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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

August 24, 2003

The Secretary
Federal Communications Commission
Office of the Secretary
c/o Vistronix Inc
Suite 110
236 Massachusetts Avenue, N.E.
Washington D.C. 20002

Dear Chairman,

Re Petition for Waiver of the Benchmark Settlement Rate for Guyana
IB Docket 96-261

I wish to refer to my letter dated February 19, 2002, with respect to the above-captioned subject, drawing the Commission's attention to the excessively high charges that U.S. carriers continue to impose on U.S. consumers for calls to Guyana, even though the Commission issued an order denying ATN's petition in order to enforce a reduction in these charges. (Order dated November 16, 2001, IB Docket No. 96-261) A copy of my letter is enclosed for your convenience. (Attachment 1). I regret to say that, after seventeen months, I am still awaiting some form of action or response from the Commission.

The apparent insensitivity of the Commission to the interests of consumers, as manifested in its blind-eye policy towards the exorbitant charges imposed by U.S. carriers for telephone calls to Guyana, is a matter of great concern. It is not merely a matter of personal concern to me as an affected consumer, but also to enumerable persons, all over the U.S.A., especially from the New Jersey/ New York area, who have been pressuring me to follow up on my February 2002 letter to the Commission. There are tens of thousands of aggrieved persons of Guyanese origin living in the New York area alone. The problem also affects businesses and other individuals who regularly communicate with Guyana.

What makes the Commission's inaction particularly disturbing is the fact that the Commission had come to the unequivocal conclusion that the charges which U.S. consumers were required to pay for telephone calls to Guyana were totally unjustified in

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terms of the real costs involved. The major element of cost was the settlement rate - the rate which a sending telephone company pays to a foreign receiving telephone company for the termination of international calls. All the major U.S. international carriers, including AT&T, the then WorldCom Inc. and Sprint, agreed with this finding and supported the Commission's decision to reduce the settlement rate for the U.S./Guyana telephone traffic

In keeping with the Commission's Benchmark Settlement Rate Order the settlement rate for U.S./Guyana traffic was reduced from 85 cents per minute to 23 cents per minute, with effect from January 1, 2002, so as to ensure a fair deal for U.S. consumers. Yet, quite astonishingly, the exorbitant charges imposed by the carriers for calls to Guyana, based on the 85 cents per minute settlement rate, were allowed to be maintained even though the carriers' per-minute cost was reduced by 62 cents. The Commission simply ignored my February 2002 letter drawing attention to this egregious exploitation of U.S. consumers. I am attaching a page from my AT&T billing statement for November/December 2000 (Attachment 2), twelve months before the settlement cost was reduced and one from the statement for June/July 2003 (Attachment 3), eighteen months later, as evidence of this travesty of regulatory justice for consumers. As you will note, AT&T's profit margin (the difference between the settlement rate and the charge imposed on consumers) has increased from 3 cents per minute to 65 cents per minute or by two thousand (2,000) percent. Should one assume that the ulterior motive of the Commission was to ensure increased surpluses for the carriers at the expense of a particular class of consumers? The Commission is establishing a bad precedent for itself, in that other foreign telephone companies would be morally justified in resisting pressures from the Commission to reduce settlement rates in the future, on the ground that the Commission's real concern seems to go no further than the creation of opportunities for U.S. carriers to gouge persons making calls to their respective countries.

Where is the FCC, the people's watchdog? Or, has the FCC transformed its mission to that of protector of telephone companies which exploit their subscribers?

I hope that the FCC will wake up to its statutory responsibility to consumers and take immediate action to bring an end to this unconscionable exploitation. Justice demands that the Commission should make every effort to ensure that the carriers refund consumers for the excessive charges that they have continued to impose, contrary to their acceptance of the fact, in representations to the Commission, that the pre-benchmark charges for calls to Guyana were excessive. The open defiance of the carriers in maintaining these exorbitant rates, against the spirit and intent of the FCC's Benchmarks Order which they all supported, reflects very poorly on the authority of the FCC as the watchdog of the public interest.

Yours truly,



Joseph A. Tyndall

Consultant, Public Utilities Regulation

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January 19, 2002

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Ms Magalie Roman Salas
 Secretary

FEB 19 2002

Federal Communications Commission
 445 12th Street, S W
 Washington, D C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

Re Petition for Waiver of the Benchmark Settlement Rate for Guyana
IB Docket 96-261

I wish to draw the Commission's attention to the fact that while the settlement rate for Guyana has been reduced with effect from January 1, 2002, following the Commission's order issued November 16, 2001, denying ATN's petition for waiver of the benchmark settlement rate for the U.S./Guyana route, U.S. telephone subscribers continue to be billed at pre-2002 rates for calls to Guyana. This is inconsistent with the Commission's statement that "it had adopted the *Benchmarks Order* to ensure that U.S. customers pay reasonable rates for international telephone service and to reduce the distortions that may result from above-cost accounting" (Public Notice Dated July 17, 2001, re *Petition for Waiver of the Benchmark Settlement Rate for Guyana*, CC Docket No. 96-261). Earlier, in the *Fourth Report and Order* dated December 3, 1996 (CC do Docket No. 90-337) the Commission had stated that "our hope is that the steps we take in this *Order and Report* will help to ensure that settlement rate reform results in lower prices for U.S. consumers."

On January 7, 2002, following the *Order* denying ATN's application, Concert Global Network Services Limited filed an accounting rate agreement, implementing the benchmark settlement rate for Guyana of US\$0.23 per minute, with effect from January 1, 2002. The new rate represents a reduction of US\$0.63 per minute in the pre-existing rate of US\$0.85 per minute. Despite this steep reduction, AT&T continues to bill its customers at the pre-2002 rate of US\$0.88 and above per minute for service to Guyana. Relative to the new settlement rate of 23 cents per minute, AT&T's rate is unreasonable and unjust. This excessive charge completely defeats the objective of the FCC Benchmarks Order and throws cost-based pricing out of the window.

Not to be ignored are the implications of AT&T's inaction for telecommunications service in Guyana. One of the FCC's justifications for propelling poor developing countries to cost-based pricing is that the reduced settlement rates and service costs will result in an increased volume of calls from the U.S.A, thereby offsetting a high proportion of the revenue that would otherwise be lost by the foreign telephone company. Following the denial of ATN's petition, GT&T applied to the Guyana Public Utilities Commission for its rates to be adjusted in response to the reduced settlement rate. The

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expectation was that the rates for calls to the U.S.A would be lowered and the rates for domestic service increased. If the U.S. carriers refuse to reduce their rates for telephone service to Guyana, GT&T's rates would have to be increased to levels that would bring severe hardship to its customers and even threaten the viability of the utility.

GT&T had expressed some fear to the Guyanese public that the U.S. carriers may take advantage of the reduced settlement rate to increase their earnings, instead of passing on the benefit of the reduction to U.S. consumers. It would be most unfortunate if this turned out to be true. AT&T's failure to reduce the rates for calls to Guyana repudiates the key assumptions that informed the *Benchmarks Order* and the oppositions to ATN's petition. This situation must be viewed with a great deal of concern.

I am sure that I am giving expression to the interest of all U.S. consumers who make calls to Guyana, not to mention the concern of the Guyana Consumers Association and the Guyana Consumers Advisory Bureau, on whose behalf I made presentations opposing ATN's petition, in requesting the Commission to take such steps as are necessary and possible to ensure that the benefits of the reduced settlement rates are passed on to consumers through reduced rates. U.S. consumers deserve a fair deal from their international carriers. It is my fervent hope that AT&T and other carriers could be persuaded to effect the reductions retroactively to January 1, 2002.

Yours truly,



Joseph A. Tyndall



AT&T One Rate™ Off-Peak II Plan calls

Attachment 2

Direct dialed calls

	Date	Number called	Where	Time	Rate	Type	Min	Amount
75	Dec 21	410 244-8888	Baltimore MD	10 22am	night	direct	2	20
76	Dec 21	718 644-2477	Bronx, NY	12 19pm	day	direct	2	14
77	Dec 21	305 944-8888	Miami, FL	12 21pm	day	direct	1	07
78	Dec 21	631 266-4094	Midland, NY	9 09pm	night	direct	6	30
79	Dec 21	410 244-8888	Baltimore, MD	10 20pm	night	direct	1	10
80	Dec 21	410 306-8888	Baltimore, MD	10 20pm	night	direct	24	2 40
81	Dec 22	631 956-4094	Midland, NY	2 16pm	day	direct	10	70
82	Dec 22	410 306-8888	Baltimore MD	4 54pm	night	direct	1	10
83	Dec 22	954 944-8888	Ft Lauderdale, FL	10 55pm	night	direct	11	55
84	Dec 23	305 944-8888	Miami, FL	10 22am	night	direct	21	1 05
85	Dec 23	410 244-8888	Baltimore, MD	6 15pm	night	direct	7	70
86	Dec 23	410 244-8888	Baltimore, MD	6 28pm	night	direct	1	10
87	Dec 23	631 266-4094	Midland, NY	9 16pm	night	direct	17	85
88	Dec 23	512 444-8888	Austin, TX	9 35pm	night	direct	1	05
89	Dec 23	732 673-8888	Emillstone, NJ	9 40pm	night	direct	7	35
							528	\$34 57

AT&T One Rate™ Int'l Value Plan calls

International calls

Direct dialed calls

	Date	Number called	Where	Time	Rate	Type	Min	Amount after savings
90	Nov 25	442083-8888	UK	1 35pm	econ	direct	3	30
91	Nov 25	059223-8888	Guyana	2 31pm	econ	direct	1	88
92	Nov 25	059223-8888	Guyana	2 32pm	econ	direct	3	2 64
93	Nov 26	059223-8888	Guyana	10 10am	econ	direct	5	4 40
94	Nov 27	059223-8888	Guyana	7 12am	econ	direct	1	88
95	Nov 30	059223-8888	Guyana	9 07am	econ	direct	1	88
96	Nov 30	059223-8888	Guyana	9 44pm	econ	direct	4	3 52
97	Dec 2	442083-8888	UK	8 43am	econ	direct	1	10
98	Dec 2	905 504-8888	Hamilton, ON	1 34pm	econ	direct	17	1 19
99	Dec 4	059223-8888	Guyana	7 49am	econ	direct	3	2 64
100	Dec 4	059223-8888	Guyana	11 34am	econ	direct	1	88
101	Dec 4	059223-8888	Guyana	8 42pm	econ	direct	6	5 28
102	Dec 5	059223-8888	Guyana	2 33am	econ	direct	1	88
103	Dec 5	059223-8888	Guyana	2 34am	econ	direct	1	88
104	Dec 5	059223-8888	Guyana	7 57am	econ	direct	7	6 16
105	Dec 5	442083-8888	UK	9 51am	econ	direct	1	10
106	Dec 5	442083-8888	UK	4 06pm	econ	direct	1	10
107	Dec 5	447863-8888	Mobile	4 38pm	econ	direct	1	10
108	Dec 6	059223-8888	Guyana	8 29am	econ	direct	4	3 52
109	Dec 6	059223-8888	Guyana	11 27am	econ	direct	4	3 52
110	Dec 7	442083-8888	UK	9 14pm	econ	direct	5	50
111	Dec 10	059223-8888	Guyana	8 51pm	econ	direct	1	88
112	Dec 15	767 444-8888	Roseau, Dm	11 32am	econ	direct	12	6 84
113	Dec 15	442083-8888	UK	6 10pm	econ	direct	1	10
114	Dec 18	059223-8888	Guyana	4 33pm	econ	direct	11	9 68
115	Dec 19	442083-8888	UK	10 31am	econ	direct	2	20

AT&T One Rate[®] Off-Peak II Plan calls

Attachment 3

Direct dialed calls

	Date	Number called	Where	Time	Rate	Type	Min	Amount
76	Jul 16	610 483-1772	Allentown, PA	8 04pm	night	direct	12	60
77	Jul 17	410 708-1072	Baltimore, MD	12 04pm	night	direct	3	30
78	Jul 17	410 708-1072	Baltimore, MD	12 08pm	night	direct	1	10
79	Jul 17	410 683-1074	Baltimore, MD	1 18pm	night	direct	1	10
80	Jul 18	410 453-1072	Baltimore, MD	12 52pm	night	direct	4	40
81	Jul 19	908 283-1072	Hillside, NJ	10 08pm	night	direct	1	05
82	Jul 19	908 793-1072	Scotch Plains, NJ	10 09pm	night	direct	1	05
83	Jul 19	908 793-1072	Scotch Plains, NJ	10 45pm	night	direct	40	2 00
84	Jul 20	631 283-1072	Midland NY	2 18pm	night	direct	1	05
85	Jul 20	410 453-1072	Baltimore, MD	10 18pm	night	direct	26	2 60
86	Jul 21	410 453-1072	Parkville, MD	11 38am	night	direct	1	10
87	Jul 22	610 483-1772	Allentown, PA	7 32pm	night	direct	1	05
88	Jul 22	610 483-1772	Allentown, PA	7 33pm	night	direct	1	05
89	Jul 22	410 453-1072	Baltimore, MD	7 33pm	night	direct	1	10
90	Jul 22	610 483-1772	Allentown, PA	7 41pm	night	direct	37	1 85
91	Jul 23	410 983-1072	Parkville, MD	11 00am	night	direct	2	20
92	Jul 24	908 283-1072	Hillside, NJ	9 02pm	night	direct	1	05
93	Jul 24	410 283-1072	Baltimore, MD	9 19pm	night	direct	1	10
							681	\$44 95

AT&T One Rate[®] Int'l Value Plan calls

International calls

Direct dialed calls

	Date	Number called	Where	Time	Rate	Type	Min	Amount after savings
94	Jun 25	44207227-1072	UK	7 51am	econ	direct	5	50
95	Jun 25	44207227-1072	UK	11 48am	econ	direct	1	10
96	Jun 25	44207227-1072	UK	1 03pm	econ	direct	1	10
97	Jun 27	5922268-1072	Guyana	12 19pm	econ	direct	14	12 32
98	Jun 29	44208346-1072	UK	9 56am	econ	direct	1	10
99	Jun 29	519 742-1072	Kitchewtrl ON	12 32pm	econ	direct	11	77
100	Jun 29	44208346-1072	UK	6 03pm	econ	direct	1	10
101	Jul 3	44208346-1072	UK	6 47pm	econ	direct	1	10
102	Jul 4	592227-1072	Guyana	10 48am	econ	direct	6	5 28
103	Jul 6	44208346-1072	UK	6 15pm	econ	direct	1	10
104	Jul 8	592227-1072	Guyana	9 48am	econ	direct	5	4 40
105	Jul 9	44208346-1072	UK	6 06pm	econ	direct	1	10
106	Jul 12	44208346-1072	UK	7 41am	econ	direct	37	3 70
107	Jul 12	416 757-1072	Toronto, ON	10 51am	econ	direct	18	1 26
108	Jul 14	44208346-1072	UK	5 16pm	econ	direct	30	3 00
109	Jul 17	5922268-1072	Guyana	10 19pm	econ	direct	13	11 44
110	Jul 18	5922268-1072	Guyana	11 52am	econ	direct	5	4 40
111	Jul 18	5922268-1072	Guyana	12 43pm	econ	direct	7	6 16
112	Jul 18	592624-1072	Guyana	3 06pm	econ	direct	2	1 76
113	Jul 20	44208346-1072	UK	7 18pm	econ	direct	1	10
114	Jul 21	5922268-1072	Guyana	11 53am	econ	direct	5	4 40
115	Jul 22	5922268-1072	Guyana	3 25pm	econ	direct	3	2 64
116	Jul 22	5922268-1072	Guyana	9 21pm	econ	direct	29	25 52
117	Jul 24	905 896-1072	Cooksville, ON	10 11pm	econ	direct	54	3 78